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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,548	12/17/2003	Nokihsia Adachi	428291/0023	8346
7590	04/03/2006			EXAMINER
Lawrence Rosenthal Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038				YAN, REN LUO
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/738,548	ADACHI, NOKIHISA
	<b>Examiner</b>	<b>Art Unit</b>
	Ren L. Yan	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 23 January 2006.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-7 and 9-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,3,4,6/1,6/3,7,9,13 and 14 is/are allowed.  
 6) Claim(s) 2,5 and 6/2, 10 and 12 is/are rejected.  
 7) Claim(s) 11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-23-2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-034302.

JP 11-034302 teaches the method and apparatus for removing ink remaining in an ink delivery tubing as claimed including the means and steps for supplying a fast enough flow rate and /or strong enough flow volume of air and cleaning liquid 3, 16 simultaneously into the ink delivery tubing 18 such that air flows toward the ink supply source in the direction away from the ink reservoir in order to remove ink remaining on the inner surface of the ink delivery tubing. See the English abstract and Figs. 1-3 in JP 11-034302 for details. With respect the step of supply the diluting liquid intermittently in claim 10, since JP 11-034302 carries out the ink removing method every time there is an ink color change, the method is considered as being carried out intermittently as broadly recited.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 58-142652.

JP 58-142652 teaches the claimed apparatus for removing ink remaining in ink delivery tubings 32 connecting an ink reservoir 27, 28 and the ink supply source 25 using

an air supply means 43 which supplies a fast enough flow rate of compressed air into the ink delivery tubings 32 such that the air flows toward the ink supply source 25 in the direction away from the ink reservoir in order to remove the ink remaining on the inner surface of the ink delivery tubings. See the English abstract and Figs. 2, 3 and 6 in JP 58-142652 for details.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5 and 6/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al(5,003,877) in view of JP 11-034302.

The patent to Yano et al teaches the structure of a printing machine as claimed including an ink reservoir 2, an ink supply source 14, one or more ink delivery tubings 6 and 12 each connecting the ink reservoir to the ink supply source, whereby the ink supplied from the ink supply source via at least one of the ink delivery tubings to the ink reservoir and accumulated therein is used for printing. The printing machine of Yano et al further includes one or more ink removing means 4-6 for removing the ink remaining in the ink delivery tubings. Each of the ink removing means includes respective pressure differential supply means(pump 4) that supply a negative pressure inside the ink delivery tubing so that ink in the reservoir being sucked back into the ink supply source to force the ink remaining on the inner surface of the ink delivery tubing to flow towards the ink supply source. See Figs. 1-3 and column 5, line 29 through column 6, line 32 in Yano et al for details. However, Yano et al do not positively provide an air supply which supplies

air into the ink delivery tubings with at least one of a flow rate and a flow volume sufficiently large enough to move the ink remaining on an inner surface of the ink delivery tubings towards the ink supply source as recited. JP 11-034302 teaches an ink recovery tube cleaning apparatus for a flexographic printer the use of an injection nozzle for blowing mixed fluid of high pressure containing air and cleaning liquid to the tube disposed near an end pan, thereby shortening a recovery time of the ink and the cleaning fluid. See the English abstract and Figs. 1-3 in JP 11-034302 for example. It would have been obvious to those having ordinary skill in the art at the time of the invention to provide the ink removing means of Yano et al with an injection nozzle for blowing high pressure air or air/cleaning liquid mixture appropriately disposed as taught by JP 11-034302 in order to more effectively remove ink inside the ink delivery tubings in less time. With respect to claim 5, Figs. 3a and 3b of JP 11-034302 shows the air suction created from the ink delivery tubing(downward arrow 5) by virtue of air flow passing through the air flow tubing 18 as recited. With respect to claim 6/2, JP 11-034302 shows in Fig. 3 the air supply comprises an air/gas introducer 3,16 which introduces air/gas into the ink delivery tube in close proximity to the opening ends thereof adjacent to the ink supply source as recited.

Claims 1, 3, 4, 6/1, 6/3, 7, 9, 13 and 14 are allowed.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ren L Yan  
Primary Examiner  
Art Unit 2854

Ren Yan  
March 28, 2006